

MESSAGE NO: 4057208

MESSAGE DATE: 02/26/2004

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: ADM

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-549-821

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 01/26/2004 TO

Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF PRELIMINARY DETERMINATION IN THE ANTIDUMPING DUTY
INVESTIGATION OF POLYETHYLENE RETAIL CARRIER BAGS FROM THAILAND (A-549-821)

MESSAGE NO: 4057208

DATE: 02 26 2004

CATEGORY: ADA

TYPE: ADM

REFERENCE:

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CASES: A - 549 - 821

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PERIOD COVERED: 01 26 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF PRELIMINARY DETERMINATION IN THE ANTIDUMPING
DUTY INVESTIGATION OF POLYETHYLENE RETAIL CARRIER BAGS
FROM THAILAND (A-549-821)

THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

1. ON JANUARY 26, 2004, THE DEPARTMENT OF COMMERCE PUBLISHED IN
THE FEDERAL REGISTER (59 FR 3552) ITS PRELIMINARY DETERMINATION
OF SALES AT LESS THAN FAIR VALUE AND THE POSTPONEMENT OF FINAL
DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF
POLYETHYLENE RETAIL CARRIER BAGS (PRCBS) FROM THAILAND.

2. THE MERCHANDISE SUBJECT TO THIS INVESTIGATION IS PRCBS WHICH

MAY BE REFERRED TO AS T-SHIRT SACKS, MERCHANDISE BAGS, GROCERY BAGS, OR CHECKOUT BAGS. THE SUBJECT MERCHANDISE IS DEFINED AS NON-SEALABLE SACKS AND BAGS WITH HANDLES (INCLUDING DRAWSTRINGS), WITHOUT ZIPPERS OR INTEGRAL EXTRUDED CLOSURES, WITH OR WITHOUT GUSSETS, WITH OR WITHOUT PRINTING, OF POLYETHYLENE FILM HAVING A THICKNESS NO GREATER THAN .035 INCH (0.889 MM) AND NO LESS THAN .00035 INCH (0.00889 MM), AND WITH NO LENGTH OR WIDTH SHORTER THAN 6 INCHES (15.24 CM) OR LONGER THAN 40 INCHES (101.6 CM). THE DEPTH OF THE BAG MAY BE SHORTER THAN 6 INCHES BUT NOT LONGER THAN 40 INCHES (101.6 CM).

PRCBS ARE TYPICALLY PROVIDED WITHOUT ANY CONSUMER PACKAGING AND FREE OF CHARGE BY RETAIL ESTABLISHMENTS (E.G., GROCERY, DRUG, CONVENIENCE, DEPARTMENT, SPECIALTY RETAIL, DISCOUNT STORES, AND RESTAURANTS) TO THEIR CUSTOMERS TO PACKAGE AND CARRY THEIR PURCHASED PRODUCTS. THE SCOPE OF THE INVESTIGATION EXCLUDES (1) POLYETHYLENE BAGS THAT ARE NOT PRINTED WITH LOGOS OR STORE NAMES AND THAT ARE CLOSEABLE WITH DRAWSTRINGS MADE OF POLYETHYLENE FILM

AND (2) POLYETHYLENE BAGS THAT ARE PACKED IN CONSUMER PACKING

WITH PRINTING THAT REFERS TO SPECIFIC END-USES OTHER THAN PACKAGING AND CARRYING MERCHANDISE FROM RETAIL ESTABLISHMENTS (E.G., GARBAGE BAGS, LAWN BAGS, TRASH-CAN LINERS).

IMPORTS OF THE SUBJECT MERCHANDISE ARE CLASSIFIED UNDER STATISTICAL CATEGORY 3923.21.0090 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). THIS SUBHEADING ALSO COVERS PRODUCTS THAT ARE OUTSIDE THE SCOPE OF THIS INVESTIGATION. FURTHERMORE, ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS INVESTIGATION IS DISPOSITIVE.

3. FOR IMPORTS OF PRCBS FROM THAILAND, U.S. CUSTOMS AND BORDER PROTECTION (CBP) SHALL SUSPEND LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION

ON OR AFTER JANUARY 26, 2004. EFFECTIVE JANUARY 26, 2004, CBP

SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

EXPORTER/MANUFACTURER NUMBER	CUSTOMS ID PERCENTAGE	MARGIN
THAI PLASTIC BAGS INDUSTRIES CO., LTD., WINNER'S PACK CO., LTD.,OR APEC FILM LTD.	A-549-821-001	2.78
UNIVERSAL POLYBAG., LTD., API ENTERPRISES INC., OR ALPINE PLASTICS, INC.	A-549-821-002	34.76
CHAMPION PAPER POLYBAGS LTD.	A-549-821-003	122.88
TRC POLYPACK	A-549-821-004	122.88
ZIP-PAC CO., LTD.	A-549-821-005	122.88
ALL OTHERS	A-549-821-000	11.49

4. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF UNITED STATES CUSTOMS AND BORDER PROTECTION (CBP), CBP OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CBP OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC, OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G1O3:FWA).

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party